

Appl. No. 10/045,346
Amdt. Dated 06/08/2004
Reply to Final Rejection of 04/22/2004

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REMARKS/ARGUMENTS

In the Final Rejection the Examiner has rejected claims 1-3, 10-14, 16, 20 and 22, 35 USC 102(e), as anticipated by Wenk et al patent 6,253,088 (hereinafter Wenk) and claims 5-8, 23, and 24 as unpatentable, 35 USC 103(a), over Wenk in view of Brachman et al patent 6,374,102 (hereinafter Brachman). In response thereto applicants propose to amend claims 1, 10, 14, and 16 further to recite applicants' invention and to cancel claim 24.

Applicants in their last Amendment, filed with the Request for Continued Examination, responded to the only basis for rejection set forth in the first Final Office Action of January 13, 2004, which rejection has now been withdrawn. Applicants are greatly upset that the Examiner has now returned to the rejection basis set forth in the Office Action of June 18, 2003 in this application in again rejecting the claims on Wenk. Further applicants strongly object to the Examiner's ignoring the arguments priorly presented with respect to the Wenk disclosure and teaching, as set forth in their Amendment dated September 8, 2003. In this regard, applicants do not understand the Examiner's statement that "Applicants' prior argument with respect to claims 5-8, 23-24 have been considered but are moot in view of the new ground(s) of rejection", since, with respect to the primary reference Wenk, the present rejection is the same as the earlier one.

Contrary to the Examiner's statements and assertions Wenk has no disclosure, teaching, or suggestion of switching an on-going telephone call that has been already routed to a telephone subscriber between the subscriber's wireline and wireless services. The Examiner in support of her assertion that Wenk switches or transfer the ongoing telephone call relies on Wenk's disclosure at column 4, lines 47-65. Because this point is crucial to the distinction between applicants' invention and the Wenk disclosure and to facilitate the subsequent review, if necessary, of this rejection, applicants are repeating here the entire two sentences set forth by Wenk at column 4, line 46-56.

When the subscriber terminal 10 is detected to be within a predefined range of the personal base station 18, or placed in direct contact with the docking bay 35, the personal base station 18 provides a message to the ACRE 22. The registration message includes the mobile identification number ("MIN") of the subscriber 10, and requests the ACRE 22 to configure the mobile wireless network *to route all cellular calls intended for the subscriber terminal 10 to the landline phone number associated with the personal base station 18.* (emphasis added)

Applicants submit that Wenk could not more clearly and precisely have specified that the Wenk teaching involves the routing of a call either directly to a wireless subscriber terminal 10 or, if the subscriber terminal is within range of the personal base station 18, routing the call through the call routing equipment (ACRE2) and the public switched telephone network, using the subscriber's wireline telephone number. Wenk's invention and teaching are concerned with a particular type of subscriber telephone equipment which involves an integrated cellular and cordless communication system in which cellular or wireless calls are routed to a landline or

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wireline telephone number associated with a specific wireless transmitting personal base station 18 so that calls can be answered by the subscriber using a cordless telephone 34. If the wireless terminal 10 "is determined to have been removed from within the vicinity of the personal base station, a message from the personal base station to the external network results in the call forwarding address being modified such that subsequent calls intended for the subscriber terminal are in fact routed thereto." (column 3, lines 8-13) None of this has any relevance to applicants' invention, which is not centered on any subscriber equipment comparable to the personal base station 18 nor concerned with the routing of telephone calls before the establishment of an on-going call to a subscriber.

Applicants have further amended each of the independent claims to emphasize that, contrary to Wenk, their invention is concerned with switching an already established on-going telephone call in response to actions taken by the subscriber who has already had that call routed to him or her.

Applicants further request the Examiner to amplify what she meant by her statement "As soon as the subscriber initiating the call the call is on-going". If that is meant to state the Examiner's position that when a subscriber picks up a telephone and starts dialing, there is an on-going call, applicants strongly disagree. Further, since Wenk is only concerned with calls to the subscriber terminal 10 or the personal base station 18, not with calls initiated by the subscriber "having, for example, a home location 16 including a personal base station 18 configured in accordance with this invention" (column 4, lines 2-5), there is no discussion or teaching at all in Wenk of the subscriber at home location 16 initiating a call. There is no on-going call in Wenk until after the call has been routed, as taught by Wenk, and then answered. Once the call is answered, whether through personal base station 18 or directly by the subscriber terminal 10, nothing can occur in Wenk to switch the connection from the mobile terminal 10 to the base station 26 (or to the cordless phone 34).

Applicants' invention also involves, in one aspect, that a third telephone number can be dialed by a customer trying to reach the subscriber for calls which can be transferred from the, for example, wireline subscriber telephone to the subscriber cellular telephone, whereas calls made to the wireline telephone number can not be transferred during an on-going call; see the discussion at page 17 of applicants' specification. The Examiner refers to a subscriber's third number located in HLR 38, col 4, lines 58-65, but the material there located does not disclose or teach applicants' use of the third number in a look-up table which also includes the subscriber's wireline and cellular telephone numbers, as recited in dependent claims 22 and 2 and the claims dependent there from.

The Examiner also relies on column 4, lines 47-56, to support, in claim 5 for example, the step of "monitoring a signal from one of said specific telephone subscribers during the existence of an already established on-going telephone call involving said specific subscriber to initiate a call transfer between said subscriber's wireline and cellular telephones." Nowhere in the cited passage, which is quoted above, is there any discussion or hint of a signal from a subscriber which is monitored as part of the transfer of an on going telephone call between the subscriber's wireline and wireless telephones. Applicants similarly object to the Examiner's assertion that

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Wenk's ACRE 22 is a cellular mobility agent and that "the monitoring step alerts the cellular mobility agent (ACRE22) to the request.

The Examiner's other references to particular sections of the Wenk disclosure are similarly completely erroneous. Wenk at column 3, lines 6-21 does not describe switching a telephone call, but rather the Wenk procedure whereby "the call forwarding address being modified such that subsequent calls intended for the subscriber terminal are in fact *routed* thereto". (emphasis supplied) The Examiner's reference to column 4, lines 23-30 and line 31—41 are equally irrelevant to applicants' invention.

Applicants' invention is not concerned with or directed to the rerouting of incoming calls before the call connection is actually established. Accordingly, the Examiner's reference to Wenk's disclosure of "the rerouting information will specify that calls intended for subscriber terminal 10 be routed to the telephone number assigned to the personal base station (col 4 line 46-65, col 6 lines 3-29)" has no relevance to applicants' invention. Similarly, applicant's dispute that Wenk, at column 8, line 65 to column 9, line 2, discloses or suggests, as the Examiner asserts, "alerting a mobile switching center in a cellular network of the detection of the monitoring 22 step." Was the Examiner's reference to "22" meant that the monitoring step comes from the ACRE 22 or goes to the ACRE 22? In any event it has no relevance to the "monitoring of an on-going call connection to one of the subscriber's telephones to switch the already established on-going connection between said subscriber's telephone," as recited in claim 16, as amended.

Brachman is also not relevant to applicants' invention. Brachman is not concerned with either the problem to which applicants' invention is directed or their solution to that problem. Brachman's apparatus is a wireless centrex system (WCS) which, through the use of a network server platform (NSP) coupled to a local digital switch (LDS), enables a mobile subscriber to activate a number of specific features or functions in the system. The Examiner has referred to the disclosure at column 48, lines 59-66, which, with reference to Fig. 19, describes a call transfer feature/function. Contrary to the Examiner's statement, this disclosure does not describe or suggest "a monitor circuit 103 responsive to a unique signal during the existence of an on-going telephone call". Reference numeral 103 in Brachman refers to the VAP which is an access port that sends request messages of many different types to the intelligent server NSP (see column 3, lines 30-37)

Brachman's teaching is of call transfer wherein a subscriber can dial the telephone number of another telephone to which the subscriber desires the call transferred. As stated by Brachman, Fig. 19 involves "a call transferred by a mobile station MS101 user from mobile station MS 101 to PSTN DN2 (1215b) outside the WCS." This call transfer is more succinctly described by Brachman in the section of the Brachman summary entitled "Call Transfers" at column 4, line 60 et seq. As therein stated "the MS user enters digits for a call transfer feature code and digits for the transfer-to-DN, which are forwarded via a unique Feature Request message to an NSP to initiate the call transfer feature." This is not relevant to applicants' invention as recited in claims 5-8 and 23.

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Further, in order to clarify the record for the further examination of this application, applicants request the Examiner to explain her statement that combining the teaching of Brachman with Wenk results in providing "the mobile user with the ability to interactively place an incoming call on hold in real time without first answering the call, and to pick up call sometimes in near future." Applicants do not understand what the Examiner intended since that statement has no relationship to applicants' invention.

Turning now to the claims, neither Wenk nor Brachman discloses, teaches, or suggests a look up table identifying correspondence between a subscriber's wireline and cellular telephone numbers, a monitor circuit responsive to a unique signal from a subscriber during an established call indicating a desire to transfer between the subscriber's wireline and cellular telephones, and a switch responsive to the monitor circuit for effecting the transfer, as recited in claim 1, as amended.

Dependent claim 22 adds that the look-up table also identifies the correspondence with a third number for calls that can be transferred during the on-going telephone call. The Examiner, in rejecting claim 22 as anticipated by Wenk had referred to Wenk as disclosing a third number (column 4 line 65). What Wenk states there is that the re-routing information will specify that calls intended for the subscriber terminal can be instead routed to the telephone number assigned to the personal base station 18. Applicants do not, as discussed above, have a personal base station nor are they concerned with the initial routing of calls to a personal base station instead of to a subscribers landline phone number.


The above remarks apply equally to applicants' other claims which were rejected on either Wenk alone or on Wenk together with Brachman.

Applicants therefore submit that claims 1, 2, 3, 5, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 22, and 23, as amended, are clearly patentable. Withdrawal of the Final Rejection, entry of this Amendment, reconsideration and allowance of these claims, and passage of this application to issue are therefore respectfully requested.

If the Examiner considers it would in any way expedite the prosecution of this application, she is invited to telephone applicants' attorney at the number set forth below.

Respectfully submitted,

P. Agrawal et al

By 
James W. Falk
Attorney for Applicants
Reg. No. 16,154
(732) 699-4465

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